

Exhibit A

January 2004. I told Mr. Theado that Defendants might assert the releases as a defense in the course of this litigation.

3. Following this conversation, I directed my colleague, Mr. David Barker, to forward to Mr. Theado bates numbered copies of these releases. Mr. Barker forwarded the releases to Mr. Theado by letter dated May 18, 2004. A copy of this letter in its unsigned form is attached hereto as Exhibit 1. The letter stated in part, "We enclose copies of approximately 90 releases executed by class members from November 2003 through January 2004. Defendants may rely on these releases in the West Litigation." Ex. 1.

4. On September 27, 2004, I again wrote to Mr. Theado concerning the releases. In that letter, a copy of which is attached hereto as Exhibit 2, I reminded Mr. Theado as to the earlier production of the releases, and informed him that "defendants may use a declaration (or, in the event of a trial, testimony) from Sandra J. Evans, Human Resources Manager, to describe and authenticate these releases." Ex. 2.

5. Neither Mr. Theado, nor any other attorneys for Plaintiffs, asserted that the defense of release had been waived in response to my telephone call to Mr. Theado, or the letters attached hereto as Exhibits 1 and 2. The first time that Plaintiffs' counsel asserted waiver was in their brief filed on January 31, 2005.

Pursuant to 28 U.S.C. § 1746, I swear under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief.

Date: Feb. 28, 2005

Robert D. Wick
Robert D. Wick

EXHIBIT 1

COVINGTON & BURLING

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May 18, 2004

BY FEDERAL EXPRESS

Thomas R. Theado
Gary, Naegele & Theado
446 Broadway Avenue
Lorain, Ohio 44052-1797

Re: West v. AK Steel Corporation, Case No. C-1-02-0001

Dear Mr. Theado:

As you may know, circumstances in the steel industry forced AK Steel to go through a reduction in its salaried work force that commenced in October 2003. In connection with that reduction in force, the company offered severance benefits to terminated employees in exchange for execution of a general release. We enclose copies of approximately 90 releases executed by class members from November 2003 through January 2004. Defendants may rely on these releases in the West litigation.

Also enclosed is a list of the names and last known addresses of the class members.

Sincerely,

David A. Barker

EXHIBIT 2

COVINGTON & BURLING

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September 27, 2004

By Facsimile


Thomas R. Theado, Esq.
Gary, Naegle & Theado
446 Broadway Avenue
Lorain, Ohio 44052-1797

Re: West v. AK Steel

Dear Tom:

A few months ago we sent you a supplemental production consisting of releases executed in connection with a reduction in force at AK Steel. I now write pursuant to Rule 26(a)(1) to inform you that defendants may use a declaration (or, in the event of a trial, testimony) from Sandra J. Evans, Human Resources Manager, to describe and authenticate these releases.

Sincerely,



Robert D. Wick